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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 963,987	09/26/2001	Michael R. Kling	01-1-447	3341

7590 04/23/2003

OSRAM SYLVANIA Inc.  
100 Endicott Street  
Danvers, MA 01923

EXAMINER

ROY, SIKHA

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/963,987

Applicant(s)

KLING, MICHAEL R.

Examiner

Sikha Roy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 2,3,8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

Page 3 line 2, 'know' should be replaced by --known--.

Page 4 line 6, 'know' should be replaced by --known--.

Appropriate corrections are required.

Claim 7 is objected to because of the following informalities:

In claim 7 line 14 'second lead wire' should be replaced by --first electrical conductor--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,208,614 to Strauss et al.

Regarding claim 1, Strauss discloses (column 3 lines 15-51, Figs. 1 and 3) a lamp having sealed outer envelope 11 enclosing an environment, a lamp capsule 21 within the environment, a first electrical conductor 14, a second electrical conductor 15 extending through the outer envelope and the first conductor electrically connected to

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first lead wire 23 and second conductor connected to lead wire 22 and an end of life device 30 within the environment electrically connected in series with the first lead wire and first electrical conductor. The support comprising a first portion mounting frame wire 16 connectable to the lamp capsule, a second portion 24 electrically connectable to the first lead wire 24 and to the end of life device 30 and a third portion 31 electrically connectable to first electrical conductor and to the end of life device joining first portion 16 and second portion 24.

The recitation 'section of third portion being removable to separate and form a gap' does not constitute a limitation in any patentable sense. Furthermore there exists a gap between the third and second portions in the lamp support of Strauss.

Claim 7 essentially recites the same limitation as of claim 1 and hence is rejected for the same reason.

Regarding claim 4 Strauss discloses (column 3 lines 47-50) that the second portion comprises a first clamp 31 and the third portion comprises a second clamp 32 and the end of life device is electrically and mechanically connectable to the second and third portion by first clamp and second clamp respectively.

Claim 10 recites the same limitation as of claim 4 and hence is rejected for the same reason.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,6,11,12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,208,614 to Strauss et al.

Regarding claims 5 and 6 Strauss discloses substantially the claimed invention as noted above except for the second portion comprising the a first segment parallel to the base of the first portion and a second segment extending from the first segment perpendicular to the base of the first portion. It would have been an obvious matter of design choice to have the two segments of the second portion, one parallel and the other perpendicular to the base of the first portion, since applicant has not disclosed that two segments of the second portion solve any stated problem or are for any particular purpose and it appears that the invention would perform equally well with the second portion of Strauss.

Claims 11 and 12 essentially recite the same limitations as of claims 5 and 6 and hence are rejected for the same reason.

Claim 14 essentially recites the method of coupling the lamp capsule and the end of life device with the same limitations as of the support of claim 1. Strauss discloses the end of life device electrically and mechanically connected in between the second

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portion and the third portion. Strauss does not disclose removing a section of the third portion forming a gap between the second and third portions and then connecting the end-of-life device spanning the gap. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form a gap and insert the end-of-life device since it has been held following the necessary step required for installing a component in an invention involves only routine skill.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,208,614 to Strauss et al. in view of applicant's admitted prior art.

Claim 13 differs from Strauss in that Strauss does not disclose tungsten halogen capsule.

In the section of background art the applicant disclosed that tungsten halogen lamps are preferred in incandescent lamps because of their high efficacy and coil temperature.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include tungsten halogen capsule in the lamp of Strauss for its high luminous efficacy.

#### ***Allowable Subject Matter***

Claims 2,3 and 8,9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 2 and 8 the prior art of record neither teaches nor suggests a lamp support having a portion comprising opposing walls extending from a base, structured and arranged slidably mate with the stem of the lamp capsule.

Claims 3 and 9 would be allowable for the reason given in claims 2 and 8 because of their dependency status from claims 2 and 8 respectively.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art references are cited to show the high pressure discharge lamps with fuse device.

U.S. Patent 4,376,259 to Rothwell et al.

U.S. Patent 4,599,543 to Strok.

U.S. Patent 5,339,006 to Schellen.

U.S. Patent 5,585,693 to Shaffer.

U.S. Patent 6,380,676 to Bankuti et al.

### ***Contact Information***

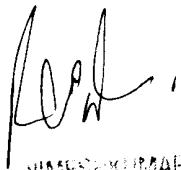
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (703) 308-2826. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

S.R.  
Sikha Roy  
Patent Examiner  
Art Unit 2879

  
NIMESH KUMAR D. PATEL  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 2800